

U.S. Department of Labor

Office of Administrative Law Judges
603 Pilot House Drive - Suite 300
Newport News, VA 23606 - 1904



TEL (757) 873-3099
FAX (757) 873-3634

CASE NO. 2001-TLC-4)
ETA CASE NO. 20800763)

IN THE MATTER OF:)

Labor Certification Request for H2A Shepherders)
under the Temporary Alien Certification Act,)

FROM:)

JOHN PEROULIS & SONS SHEEP, INC., a)
corporation, and affecting JOHN PEROULIS,)
STAN PEROULIS; AND LOUIS PEROULIS)

ORDER APPROVING SETTLEMENT AGREEMENT

This case arises under the temporary agricultural labor services provisions of the Immigration and Nationality Act, 8 U.S.C. §§ 1101 (a)(15)(H)(ii)(a), 1184 and 1188, and the implementing regulations set forth at 20 C.F.R. Part 655, Subpart B, and 29 C.F.R. Part 500.

By letter dated February 9, 2001, the Department of Labor denied the application for twelve H-2A workers filed by John Peroulis & Sons Sheep, Inc., and affecting John Peroulis, Stan Peroulis, and Louis Peroulis. John Peroulis & Sons Sheep, Inc., filed a timely appeal of this denial on February 16, 2001, and requested a *de novo* hearing. The hearing was scheduled to begin in Craig, Colorado, on April 2, 2001. On March 28, 2001, the parties filed a Settlement Agreement.

Review of the Settlement Agreement shows that it is compliance with 29 C.F.R. § 18.9, and that it fairly and adequately resolves all pending issues in this matter.

According, it is ORDERED that the hearing in this matter presently scheduled for April 2, 2001, is hereby canceled.

It is further ORDERED that the Settlement Agreement, attached hereto and incorporated herein, is hereby APPROVED and ADOPTED in its entirety.

Dated this 2d day of *April*, 2001.

Richard K. Malamphy
Administrative Law Judge

RKM/ccb
Newport News, Virginia

UNITED STATES DEPARTMENT OF LABOR
Office of Administrative Law Judges
Commerce Plaza, Suite 300
603 Pilot House Drive
Newport News, VA 23606

CASE NO. 2001-TLC-4
ETA CASE NO. 20800763

IN THE MATTER OF:

Labor Certification Request for H2A Shepherders
under the Temporary Alien Certification Act,

FROM:

JOHN PEROULIS & SONS SHEEP, INC., a
corporation, and affecting JOHN PEROULIS,
STAN PEROULIS, AND LOUIS PEROULIS

SETTLEMENT AGREEMENT

Pursuant to 29 C.F.R. § 18.9, Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges, the U.S. Department of Labor [hereinafter the "Department"] and John Peroulis & Sons Sheep, Inc., John Peroulis, Stan Peroulis, and Louis Peroulis [hereinafter the "Peroulises"] in order to resolve this matter without further burden, expense or delay to the parties, hereby agree as follows.

1. The Department hereby withdraws its February 9, 2001, letter denying certification of the Peroulises' application for twelve H-2A workers, and agrees to certify the application upon the filing of this Settlement Agreement with the Administrative Law Judge.

2. The Department further agrees to withdraw its notice of prospective denial of future H2A certificate applications from the Peroulises, also contained in the February 9, 2001, letter, without prejudice. The Department reserves its right to issue a notice of prospective denial, should the need arise.

3. The Peroulises agree to withdraw their appeal, dated February 16, 2001, of the Department's denial of their application.

3. The entire record upon which this Settlement Agreement and Order are based consists solely of the Department's letter denying certification, the Peroulises' appeal, and this Settlement Agreement.

4. The Order in this case shall have the same force and effect as an order made after full hearing.

5. All further procedural steps before the Administrative Law Judge and any rights to challenge or contest the validity of this Settlement Agreement or any Order issued pursuant thereto are hereby waived.

6. Each party hereby agrees to bear its own fees, costs, and other expenses incurred by such party in connection with any stage of this proceeding.

Judith E. Kramer
Acting Solicitor of Labor

/S/ JEFFREY PAGLIUCA

Jeffrey Pagliuca
Holland & Pagliuca
1800 Stout Street
Suite 1380
Denver, CO 80202

Attorneys authorized
to sign on behalf of
John Peroulis & Sons
Sheep, Inc., John
Peroulis, Stan Peroulis,
and Louis Peroulis

Michael A. Stabler
Regional Solicitor

Ann M. Noble
Associate Regional Solicitor

/S/ Katherine Vigil

Katherine Vigil
Attorney

Lydia Tzagoloff
Attorney

U.S. Dept. of Labor
Office of the Solicitor
1999 Broadway, Suite 1600
Denver, CO 80202-5716

Attorneys for the Department